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In re the Application of:

Kevin Kwong-Tai CHUNG

Appl. Serial No. 09/737,306

Filed: December 15, 2000

For: ELECTRONIC VOTING APPARATUS,
SYSTEM AND METHOD

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Art Unit: 2876

Examiner: Mark S. Tremblay

Confirmation No. 1695

OFFICIAL

URGENT - PLEASE DELIVER IMMEDIATELY TO
EXAMINER: MARK S. TREMBLAY

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Jacqueline D. Bailey
By: Jacqueline D. Bailey

REQUEST FOR CORRECTED OFFICE ACTION
AND RESTARTING OF THE PERIOD FOR RESPONSE

This Request for Corrected Office Action and Restarting of the Period for Response is submitted in response to the Final Office Letter mailed February 17, 2004 in the above-captioned Application for which the three-month shortened statutory period for response expires May 17, 2004.

This Request is submitted within one month of the mailing date of the Office Action and so restarting of the period for response is appropriate and is requested. MPEP §710.06.

Claims 1-81 and 83-117 are pending in the present Application and the Office Action mailed February 17, 2004, only addresses claims 1-81 and 83-102, and so is in need of correction and/or amendment.

AI-TECH-30

PATENT APPLICATION
Serial No. 09/737,306Background:

The present Office Action follows a response to an Office action that was filed and received in the PTO on October 28, 2003 (PAIR Item #22) and a Supplemental Response filed on November 17, 2003 (PAIR Item #25), only 20 days later.

The Office Letter mailed February 17, 2004 is posted to PAIR on February 10, 2004 (PAIR Item #34, Final Rejection), which is about 85 days after receipt of the Supplemental Response and about 105 days after receipt of the initial response. Accordingly, the Supplemental Response was received in the Office at a time when it would not have interfered with the preparation of an Office Action on which a significant amount of time had been spent by the Examiner. MPEP §714.03(a).

Basis for Request for Corrected Action:

The Supplemental Response filed November 17, 2003, was filed within a very short time after the initial response, was posted to PAIR, and should have been entered because it would not have interfered with preparation of an Office Action that was not posted until almost three months later.

The claims added by the Supplemental Response are not numerous and many are directed to features recited in ones of claims 1-102 that were already searched and examined. Only two of the added claims are independent and all except five depend from claims that have already been examined.

Accordingly, the Supplemental Response should not have interfered with the preparation of the present Office Action and should have been entered and considered. Therefore, issuance of a corrected or amended Office Action and restarting of the time for response is proper and such action is respectfully requested. MPEP §§710.06 & 714.03(a).

Request for Interview:

An in-person Interview is requested. Applicant will telephone the Examiner to schedule an Interview at a mutually convenient time.

Conclusion:

Applicant respectfully requests that the Office Action mailed on February 17, 2004 be withdrawn, that the Supplemental Response filed November 17, 2004 be considered, and that a corrected or amended Office Action addressing claims 1-81 and 83-117 be issued. Applicant further requests that the period for responding to the corrected or amended Office

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Action be restarted based upon the mailing date of the corrected Action.

No fee is due in consequence of this Request. However, should any fee be due, please charge such fee and deposit any refund to Deposit Account 04-1406 of Dann, Dorfman, Herrell & Skillman.

The Examiner is requested to telephone the undersigned attorney if there is any question or if prosecution of this Application could be furthered by telephone.

Respectfully submitted,
Dann, Dorfman, Herrell & Skillman, P.C.
Attorneys for Applicant(s)

By: 
Clement A. Berard
PTO Registration No. 29,613

March 15, 2004

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